

## REMARKS

Claims 15-32 are pending herein with Claims 15, 28, and 32 being independent claims. Claims 1-14 have been withdrawn from consideration. Claim 27 was found to be allowable, but the indication of allowability has been withdrawn. The remaining claims have been rejected.

### **35 U.S.C. § 102:**

Claim 28 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,415,708 to Huber, et al. Huber was described as showing an extruder including a cutter, means for drying, means for tempering, and means for cutting. Specifically, Huber shows an extruder, a die assembly, and a dehydration assembly. The dehydration assembly includes an agitator and a cyclone.

The Applicant respectfully traverses the rejection. Whether or not the description of the “means” found in Huber is accurate, these “means” are simply not the same means described and claimed herein. Under 35 U.S.C. § 112, sixth paragraph, the claims must be construed in a manner that is consistent with the written description. *See* MPEP § 2181; *In re Donaldson Co.*, 16 F.3d 1189 (Fed. Cir. 1994). For example, as opposed to the means for drying described in the specification, *i.e.*, the fluid bed dryers and related equipment, Huber shows the use of the dehydration assembly with the agitator 56 therein. While the agitator operates, hot air is supplied from a burning chamber 62. Once the extrudate is comminuted and dried within the agitator 56, negative air pressure pulls the dehydrated material through the tower 66. *See* Col. 6, lines 35-63. Huber thus fails to show the first means for drying the product loads, the means for cutting separate from the extruder, and the means for drying the product crumbs. Drying by

comminuting and agitating is simply not the means claimed herein.

The Office Action further states that “the claim does not distinguish between means for drying the loaves and the means for drying the crumb.” The Applicant respectfully disagrees. The claim specifically talks about “means for drying the plurality of product loaves” and “means for drying the plurality of product crumbs.” Likewise, both elements are described in the specification. *See, e.g.*, drying station 500 and drying station 800. The Applicant thus submits that independent Claim 28 is patentable over the cited reference.

**35 U.S.C. § 103:**

Claims 15-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,337,084 to Stevens, et al. in view of U.S. Patent No. 6,045,851 to Cross and further in view of Huber. Stevens was described as showing an extruder, a segmenter, a dryer, a mill, and a sieve. Cross was described as showing an extruder with a cutter, a first dryer, and a second dryer. Likewise, Huber was described as showing an extruder with a cutter.

The Applicant has amended the independent Claim 15 to specify the comminuting device includes a further cutter. As opposed to a further cutter, Stevens shows a “segmenter” and a mill. The mill of Stevens cannot be considered a cutter or a cutting device. This is particularly true in light of the specific recitation of a grinder in dependent Claims 18, 24, and 25. Likewise, the segmenter cannot be considered a comminuting device with a further cutter for comminuting the loaves after drying. As can be best understood, the Examiner is apparently distinguishing between an extruder with a cutter and the segmenter of Stevens. Stevens, however, simply describes an extruder with a cutter:

While the exact nature of the segmenting means is not critical, it is preferred that segmenting is achieved by using a cutting means. The cutting means could be a wire or a knife. While the exact nature of the cutting means is not critical, we prefer a rotating knife located in close proximity to the outlet of the extruder.

See Col. 4, lines 62-67. (Emphasis added.)

As such, Stevens, Cross, and Huber all seem to show an extruder with a cutter. The only further device that reduces the size of an object is the mill of Stevens. The mill, however, cannot be considered a comminuting device with a cutter. The Applicant thus submits that independent Claim 15, and the dependent claims thereon, are patentable over the cited references.

The Applicant further traverses the rejection of dependent Claim 17 concerning the comminuting device including the first cutter for course cutting and the second cutter for fine cutting; dependent Claim 18 concerning a grinder downstream of the second dryer; dependent Claim 19 concerning a tempering chamber; dependent Claim 24 concerning the specific order including a grinder; and dependent claim 26 concerning a grinder.

The Applicant respectfully traverses the rejection of independent Claim 28. As described above, the references simply do not show an extruder with a cutter and a means for cutting separate from the extruder. The references likewise do not show the means for drying or tempering as are described herein. The Applicant thus submits that independent Claim 28, and the dependent claims thereon, are patentable over the cited references. The Applicant further traverses the rejection of dependent Claim 29 concerning grinding.

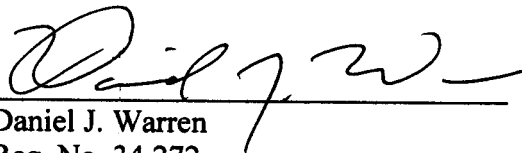
The Applicant further traverses the rejection of independent Claim 32. As described above, the references do not show an extrusion station with a cutter and a cutting station that is separate from the extruder. The grinder of Stevens cannot be considered a cutting station separate from the extruder. The Applicant further traverses the rejection on the grounds that the

references do not show a tempering station. The Applicant thus submits that independent claim 32 is patentable over the cited references.

### CONCLUSION

The Applicant believes that it has responded in each matter raised in the office action. Allowance of all claims is respectfully requested. Any questions may be directed to the undersigned at 404.853.8028.

Respectfully submitted,

  
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